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Letter dated 25 January 2002 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Trinidad and Tobago, submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jeremy **Greenstock**
Chairman
Counter-Terrorism Committee

02-23615 (E) 190402

Annex

Letter dated 31 December 2001 from the Permanent Representative of Trinidad and Tobago to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to transmit for your attention, pursuant to paragraph 6 of Security Council resolution 1373 (2001) of 28 September 2001, the response of the Government of the Republic of Trinidad and Tobago on the steps it has taken thus far, to implement Security Council resolution 1373 (2001) (see enclosure).

The Government of Trinidad and Tobago views compliance with resolution 1373 (2001) as an ongoing exercise, which it intends to fully achieve as soon as possible, in collaboration with the Counter-Terrorism Committee.

In this regard, we hope to benefit from the directory of sources of advice and expertise in the areas of legislative and administrative practice covered by the resolution, which is being compiled by the Committee.

I shall keep you informed of developments regarding action taken by the Government of the Republic of Trinidad and Tobago pursuant to resolution 1373 (2001).

(*Signed*) George W. **McKenzie**
Ambassador
Permanent Representative

Enclosure

The Republic of Trinidad and Tobago

Steps taken or being contemplated to implement the Security Council resolution 1373 (2001) of 28 September 2001

Responses to operative paragraphs

Paragraph 1 (a) states -

"Prevent and suppress the financing of terrorist acts."

What measures if any have been taken to prevent and suppress the financing of terrorist acts in addition to those listed in your responses to questions on 1 (b) to (d)

There is no legislation as yet in place to deal specifically with the issue at sub-paragraph (a). The same applies to sub-paragraphs (c) and (d). Notwithstanding the above, the Central Bank has requested that the local financial institutions report to the competent authority with respect to such financial transactions.

The proposed Anti-Terrorism Bill seeks to provide for all measures necessary to prevent and suppress the financing of terrorist acts.

Paragraph 1 (b) states -

"Criminalize the wilful provision or collection, by any means, directly or indirectly of funds by their nationals or in their territories with the intention that the funds should be used, or in the knowledge that they are to be used, in order to carry out terrorists acts."

What are the offences and penalties in your country with respect to the activities listed in this sub-paragraph?

The Proceeds of Crime Act, 2000 criminalizes dealing with or utilizing funds that are directly or indirectly related to drug trafficking or

specified offences. A person who is found guilty of such an offence is liable on summary conviction to a fine of ten million dollars and to imprisonment for ten years or on conviction on indictment to a fine of twenty-five million dollars and to imprisonment for fifteen years.

Criminalizing the activity referred to in paragraph 1 (b) in relation to terrorist activities is currently engaging the attention of the legislative drafting office and will be provided for in the Anti-Terrorist Bill which is due for completion early in 2002.

Paragraph 1 (c) states -

"Freeze without delay funds and other financial assets or economic resources of persons who commit or attempt to commit, terrorist acts or participate in or facilitate the commission of terrorist acts; of entities owned or controlled directly or indirectly by such persons; and of persons or entities acting on behalf of, or at the direction of such persons and entities, including funds derived or generated from property owned or controlled directly or indirectly by such persons and associated persons and entities."

<u>What legislation and procedures exist for freezing accounts and assets at banks and financial institutions? It would be helpful if States supplied examples of any relevant action taken.</u>

The Proceeds of Crime Act, 2000 provides, via restraint orders, for the freezing of assets of persons who are involved in drug trafficking or specified offences. The Court is empowered to prohibit any person from dealing with "realizable property" subject to such conditions and exceptions as may be specified in the order. Realizable property is any property held by a person who is being prosecuted for drug trafficking or a specified offence (the defendant) or any property held by a person to whom the defendant has directly or indirectly made a gift caused by the Act.

It is intended that the proposed Anti-Terrorism legislation will include provisions for the freezing of the property of persons who commit, participate in or facilitate the commission of terrorist acts, etc.

Paragraph 1 (d) states -

"Prohibit their nationals or any persons and entities within their territories from making any funds, financial assets or economic resources or financial or other related services available, directly or indirectly, for the benefit of persons who commit or attempt to commit or facilitate or participate in the commission of terrorist acts, of entities owned or controlled, directly or indirectly, by such persons and of persons and entities acting on behalf of or at the direction of such persons."

What measures exist to prohibit the activities listed in this sub-paragraph?

There is no legislation in place to deal specifically with the issues of this sub-paragraph. The proposed Anti-Terrorism Bill seeks to address those issues.

Paragraph 2 (a) states -

"Refrain from providing any form of support, active or passive, to entities or persons involved in terrorist acts, including by suppressing recruitment of members of terrorist groups and eliminating the supply of weapons to terrorists."

What legislation or other measures are in place to give effect to this sub-paragraph? In particular what offences in your country prohibit (i) recruitment to terrorist groups and (ii) the supply of weapons to terrorists? What other measures help prevent such activities?

Experts within the Ministry of the Attorney General are at present completing the Draft counter terrorism legislation. Prior to the September 11, 2001 attacks in the USA, the following statutes were enacted and are still in effect:

> The Military Training (Prohibition) Act of 1996, deals with the prohibition of training, drilling and equipping of persons with firearms, ammunition, artillery or explosives and the practice of military exercises otherwise than permitted under any written law which are likely to be used to undermine the peace and order of the country or to destabilize the internal security of the state.

The Act makes it an offence for a person to organize, train, drill, equip or manage persons in the use of firearms, artillery or ammunition or in the practice of military exercises, unless he is so authorized by the Minister of National Security. It is also an offence for a person to provide financial or other support for equipping or training others in the use of firearms or in military exercises for the purpose of engaging in subversive activities.

The Firearms Act of 1970 sets out the regulations as they pertain to the possession, sale, transfer and use of firearms and ammunition. Various offences are named within the legislation which will lead to summary conviction and fines.

Apart from legislative measures, authorized law enforcement officers may implement special operations (for instance a search and seizure operation) as well as rely on intelligence reports which assist in preventing the commission of illegal activities.

Paragraph 2 (b) states -

"Take the necessary steps to prevent the commission of terrorist acts, including by provision of early warning to other States by exchange of information."

What other steps are being taken to prevent the commission of terrorist acts, and in particular, what early warning mechanism exist to allow exchange of information with other states?

A unit has been established within the Ministry of National Security to monitor the activities of those individuals and/or groups that attempt to undermine parliamentary democracy by political, industrial or violent means. Data is analyzed and reports are submitted to policy makers and foreign liaisons.

A regional counter-terrorism symposium was hosted by an agency of the Ministry of National Security on September 4-5, 2001 which addressed the impact of the terrorist threat to the Caribbean and South American region. This symposium identified concrete ways to enhance regional cooperation against terrorism. The respective governments are now expected to implement the recommendations.

The Secretariat for the country's National Security Council also plays a major role in coordinating information and intelligence pertaining to target organizations.

Miscellaneous meetings amongst the Heads of Government in the Caribbean Community are being conducted with regard to the establishment of a Task Force that would be responsible for identifying and implementing measures to counter and deal with the financial and social impact of terrorism.

Liaison contacts are maintained with intelligence and agencies, law enforcement and defence force personnel.

A classified circulation is made of a directory of terrorist organizations within the region.

Other departments of the Defence Force and the military also contribute to this country's Counter Terrorism efforts.

Paragraph 2 (c) states -

"Deny safe haven to those who finance, plan, support, or commit terrorist acts, or provide safe havens."

What legislation or procedures exist for denying safe haven to terrorists, such as laws for excluding or expelling the types of individuals referred to in this sub-paragraph? It would be helpful if States supplied examples of any relevant action taken

The Immigration Act of 1969 sets out the regulations for the admission of persons into Trinidad and Tobago. At present, the title "terrorist" is not employed in that statute, however the following persons will be prohibited from entering Trinidad and Tobago:

> Persons who are advocates of the overthrow by force of the established government of Trinidad and Tobago or any other country, or of all forms of law.

- Those who advocate the abolition of organized government
- Those who advocate the assassination of public officials
- Advocates or teachers of the unlawful destruction of property
- Members of or affiliates to any organization which entertains and preaches any of the doctrines and practices referred to above
- Persons concerning whom there are reasonable grounds for believing they are likely to engage to engage in espionage, sabotage or any other subversive activity of any kind directed against Trinidad and Tobago or detrimental to the security of Trinidad and Tobago.

An Immigration officer may make directions for the arrest or detention of an an individual referred to above, pending an inquiry, which may result in deportation.

It is expected however that the draft counter terrorism legislation will make more concise provision for the identification of terrorists and prevention of granting asylum or refugee status.

Paragraph 2 (d) states -

"Prevents those who finance, plan, facilitate or commit terrorist acts from using their respective territories for those purposes against other States or their citizens."

What Legislation or procedures exist to prevent terrorists acting from your territory against other states or citizens? It would be helpful if States supplied examples of any relevant action taken

The Act of terrorism is not specified as an offence in any legislation in Trinidad and Tobago and will be criminalized in the Anti-Terrorism Bill which is currently being prepared. Therefore, there is no legislation that

imposes any sanctions or restrictions on "terrorists". However, there is legislation that would prevent persons who are involved in acts regarded as terrorist acts from doing so in Trinidad and Tobago. The aforementioned Military Training (Prohibition) Act, 1996 is one such piece of legislation. The Firearms Act imposes very strict restrictions on the possession of firearms in Trinidad and Tobago and strict punishment is imposed on persons found in the possession of firearms without the required licence.

Paragraph 2 (e) states -

"Ensure that any person who participates in the financing, planning, preparation or perpetration of terrorist acts or in supporting terrorist acts is brought to justice and ensure that, in addition to any other measures against them, such terrorist acts are established as serious criminal offences in domestic laws and regulations and that the punishment duly reflects the seriousness of such terrorist acts."

What steps have been taken to establish terrorist acts as serious criminal offences and to ensure that the punishment reflect the seriousness of such terrorist acts? Please supply examples of any convictions obtained and the sentence given

Reference was made earlier to the Anti-Terrorism Bill which is at present being prepared. This Bill will seek to impose stiff penalties on persons who participate in the financing, planning, preparation or perpetration of terrorist acts or who support terrorist acts.

Paragraph 2 (f) states -

"Afford one another the greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts; including assistance in obtaining evidence in their possession necessary for the proceedings."

What procedures and mechanisms are in place to assist other states? Please provide any available details of how these have been used in practice.

In the Republic of Trinidad and Tobago, the Mutual Assistance in Criminal Matters Act, 1997, provides for assistance to be given to any Commonwealth

country when a request for information on criminal investigations is made. Although this act does not specify terrorism, provisions are being made to allow for assistance to be given in conjunction with the said criminal offence.

The Mutual Assistance in Criminal Matters Act creates the domestic legal framework to facilitate the co-operation of Trinidad and Tobago with the international community in the fight against drugs, money laundering and organized crime. Under this Act, the court can assist to have evidence taken in Trinidad and Tobago to facilitate proceedings abroad. It also enables evidence to be taken abroad to facilitate criminal proceedings in Trinidad and Tobago to ensure that guilty persons do not escape justice.

Paragraph 2 (g) states -

"Prevent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents, and through measures for preventing counterfeiting, forgery or fraudulent use of identity papers and travel documents."

How do border controls in your country prevent the movement of terrorists How do your procedures for issuance of identity papers and travel documents support this. What measures exist to prevent their forgery etc.?

The Immigration Act regulates the terms, conditions and requirements with respect to means of support or the possession of passports, visas or other documents pertaining to admission into Trinidad and Tobago.

With respect to the mechanisms for identifying whether the admission documents are authentic, the Immigration Officer may rely on limited physical and technological capabilities to determine the authenticity of travel documents or he may refer to reports from different sources or countries that identify stolen, counterfeit or lost official documents. The relevant department of the Ministry of National Security can identify the mechanisms in place at present.

Breaches have occurred in the existing forms of control and these are currently being addressed via different local and regional working groups.

Paragraph 3 (a) states -

"Find ways of intensifying and accelerating the exchange of operational information, especially regarding actions or movements of terrorist persons

or networks; forged or falsified travel documents; traffic in arms, explosives or sensitive materials; use of communication technologies by terrorist groups; and the threat posed by the possession of weapons of mass destruction by terrorist groups."

What steps have been taken to intensify and accelerate the exchange of operational information in the areas indicated in this sub-paragraph?

In addition to the measures taken in Operative Paragraph 2 (b), a National Security and Defence Policy Committee (Trinidad and Tobago) has been appointed to develop a Strategic National Security Policy which is being coordinated by the sub-committee. The sub-committee is comprised of officials from the following units:

Defence Force	**Caribbean Epidemiology Centre**
Security Intelligence Agency	**Immigration**
Fire Service	**Coast Guard**
Civil Aviation Authority	**National Emergency Management Authority**
Special Branch	
Prisons Service	**Customs & Excise**

It has been proposed that various state attorneys and experts collaborate to review existing international conventions that should be ratified by Trinidad and Tobago as well as examine local legislation to determine which statutes should be amended or enacted.

Paragraph 3 (b) states -

"Exchange information in accordance with international and domestic law and cooperate on administrative and judicial matters to prevent the commission of terrorist acts."

What steps have been taken to exchange information and cooperate in the areas indicated in the sub-paragraph?

As legislation and procedures are now being put into place in Trinidad and Tobago to establish terrorism as a serious criminal offence, there has been much correspondence or exchange of information on the area indicated in the above sub-paragraph. This exchange of material is one of the first methods of exchange of information, concerning the development of laws to combat the offence of terrorism and provides for a linkage of relevant material and request that will follow.

Paragraph 3 (c) states -

"Cooperate particularly through bilateral and multilateral arrangements and agreements, to prevent and suppress terrorist attacks and take action against perpetrators of such acts."

What steps have been taken to cooperate in the areas indicated in this sub-paragraph?

Trinidad and Tobago has Bilateral Treaties on Mutual Assistance with a number of countries, these countries include the United States of America, Canada and the United Kingdom.

There is also a Multilateral Agreement for Mutual Assistance with the Commonwealth Caribbean.

On the issue of Extradition, there is a Bilateral Treaty that exists between the Republic of Trinidad and Tobago and the United States of America. The Extradition (Commonwealth and Foreign Territories) Act, 1985, provides for the extradition of individuals within Commonwealth countries.

Paragraph 3 (d) states -

"Become parties as soon as possible to the relevant international conventions and protocols relating to terrorism, including the International Convention for the Suppression of the Financing of Terrorism of 9th December 1999."

What are your government's intentions regarding signing and/or ratifying the conventions and protocols referred to in this sub-paragraph?

Trinidad and Tobago has already become a party to all relevant Conventions with the exception of the Convention for the Suppression of the Financing of Terrorism of 9th December, 1999

As soon as the relevant legislation is in place via the Anti Terrorism Bill which seeks to provide all necessary measures to prevent and suppress the financing of terrorist acts, the relevant International Convention will be signed and ratified.

Paragraph 3 (e) states -

"Increase cooperation and fully implement the relevant international conventions and protocols relating to terrorism and Security Council Resolutions 1269 (1999) and 1368 (2001)."

Provide any relevant information on the implementation of the conventions, protocols and resolutions referred to in this sub-paragraph

Trinidad and Tobago is already cooperating with the international community and relevant agencies in the suppression of terrorist activities through the exchange of information and collaboration by law enforcement agencies.

Paragraph 3 (f) states -

"Take appropriate measures in conformity with the relevant provisions of national and international law, including international standards of human rights, before granting refugee status, for the purpose of ensuring that the asylum-seeker has not planned, facilitated or participated in the commission of terrorist acts."

What legislation, procedures and mechanisms are in place for ensuring asylum-seekers have not been involved in terrorist activity before granting refugee status? Please supply examples of any relevant cases

Refugee Status Bill legislation is being drafted and it would include ensuring that the asylum seeker has not planned, facilitated or participated in the commission of terrorist acts.

Paragraph 3 (g) states -

"Ensure in conformity with international law, that refugee status is not abused by the perpetrators, organizers or facilitators of terrorist acts, and that claims of political motivation are not recognized as grounds for refusing requests for the extradition of alleged terrorists."

What procedures are in place to prevent the abuse of refugee status by terrorists? Please provide details of legislation and/or administrative procedures which prevent claims of political motivation being recognised as grounds for refusing requests for the extradition of alleged terrorists. Please supply examples of any relevant cases

The Refugee Status legislation would include procedures to prevent the abuse of refugee status by terrorists. The Bill is now in the process of being drafted.

Under the existing Extradition Act, provision is being made for an amendment to this Act which will prevent claim of political motivation being recognized as grounds for refusing request for the extradition of alleged terrorist.